

THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.10036 OF 2005

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ORDER:

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When the vacate petition filed by the respondents is listed for hearing, with the consent of both the parties, the main Writ Petition itself is heard and decided.

The main Writ Petition is directed against the order of the 1st respondent dated 4.4.2005, which was passed under Section 34(1) of the A.P. Co-operative Societies Act, 1964 whereunder the managing committee of the petitioner-Society was superseded. Though the learned counsel for the petitioner raised various contentions, I am not inclined to express any opinion on merits, since admittedly, against the impugned order an appeal lies before the Tribunal, under Section 76 of the A.P. Co-operative Societies Act, 1964. Without exhausting such an efficacious alternative remedy of appeal, petitioner cannot maintain this Writ Petition.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the remedy of appeal within four weeks from the date of receipt of this order. If such an appeal is filed within the time stipulated above, the same shall be considered in accordance with law, and appropriate orders be passed as expeditiously as possible, preferably within a period of eight weeks thereafter. Keeping in view the fact that this Court by order dated 29.7.2005 granted interim suspension of the impugned order of supersession, it is made clear that till the appeal is decided by the Tribunal, the impugned order of supersession shall not be given effect to.

The Writ Petition is accordingly disposed of. No costs.

3rd October, 2005.

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THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.10036 OF 2005

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03.10.2005

Between:

Fishermen Co-operative

Society, represented by

Its President, Badavath Balu,

S/o Rju, R/o Kamalapuram
Village, Singareni Mandal,
Khammam District. .. Petitioner.

And

The Commissioner of Fisheries/
Ex-officio Registrar of
Co-operative Societies,
Mastha Bhavan,
Shanthi Nagar Colony,
Hyderabad and two others. .. Respondents.